

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**


<b>Applicant:</b>	Jane Heschmeyer et al.	<b>Art Unit:</b>	1781
<b>Serial No.:</b>	10/748,287	<b>Examiner:</b>	Stulii, Vera
<b>Filing Date:</b>	12/31/2003	<b>Docket No.:</b>	080006.0564.NPUS00
<b>Title:</b>	LOW-GLUTEN WAFER AND METHOD OF MAKING SAME		

Confirmation No. 9611

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Date: September 8, 2010



John Scott Winterle  
License No. 57,276

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO THE FINAL OFFICE ACTION OF JUNE 8<sup>TH</sup>, 2010**  
**AND REQUEST FOR CONTINUING EXAMINATION****I. INTRODUCTORY COMMENTS**

- REQUEST FOR CONSIDERATION OF RESPONSE**

This "RESPONSE TO THE OFFICE ACTION OF JUNE 8<sup>TH</sup>, 2010" replies to the outstanding office action in this case, distinctly and specifically points out the errors in the Examiner's action, as well as responds to every ground of objection and rejection set forth in the

office action. This response is a *bona fide* attempt to advance the application. In light of the amendments and remarks set forth below, Applicant seeks further examination of the application and requests that the Examiner reconsider the Examiner's position with respect to the patentability of the claims. Applicant hereby requests that any objections or requirements as to form (if any) not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. A Request for Continuing Examination accompanies this Amendment.

- REQUEST FOR, AND PAYMENT OF, EXTENSION FEE

Since this response is within the three months of the June 8<sup>th</sup>, 2010 office action, no extension fees apply in respect of the response. However if this conclusion is in error, the Applicant hereby requests extension and provides the Commissioner with the authority to debit Kelley Drye & Warren's Deposit Account No. 11-0404 for the extension fee. (The Commissioner is also specifically authorized to charge Kelley Drye & Warren's Deposit Account for the accompanying RCE.)

- LOCATION OF SPECIFIED SECTIONS FOR SCANNING OF THIS DOCUMENT

SECTIONS OF DOCUMENT	LOCATION OF SECTION
I. INTRODUCTORY COMMENTS	Pages 1 - 3
II. AMENDMENTS TO THE SPECIFICATION	Page 4
III. AMENDMENTS TO THE CLAIMS	Pages 5 - 7
IV. AMENDMENTS TO THE DRAWINGS	Page 8
V. REMARKS/ARGUMENTS	Pages 9 - 13
VI. APPENDIX (N/A)	Page 14

- REQUEST FOR ENTRANCE OF AMENDMENTS AND CONSIDERATION OF ARGUMENTS

Applicants respectfully request entrance of the amendments, and consideration of its arguments set forth below. Amended/new claims that may be construed as more limiting in scope than the scope of any of the claims prior to amendment/cancellation/addition should not be construed as an abandonment of any subject matter no longer claimed, nor should the amended/new claims be construed in any manner to waive or limit the equivalent structures of any element recited in such claims that would otherwise be available under the Doctrine of Equivalents with respect to the unamended/cancelled claims.

Amendment/cancellation/addition of the claims is not in any manner intended to, and should not be construed to, waive Applicant's right in the future to seek protection for the subject matter claimed in prior claims, or to seek protection for similar matter in any continuation, divisional, continuation-in-part, RCE, CPA or any other application claiming priority to or through the present application. Applicants expressly reserve the right to file applications directed to the subject matter covered by any cancelled or previously submitted claim, as well as any uncovered subject matter disclosed in the specification.

## II. AMENDMENTS TO THE SPECIFICATION

--- The location of each paragraph to be deleted or replaced, and where the new paragraph or section is to be added, is set forth unambiguously below. A marked-up version of any replacement paragraph is provided. The text of new paragraphs or sections is not underlined. Any amendment (if any) to the abstract is treated as any other amendment to the specification.

- THE SPECIFICATION OF THE PATENT IS HEREBY AMENDED AS SET FORTH BELOW:

- No amendments to the specification are made herein.

### III. AMENDMENTS TO THE CLAIMS

#### MARKED VERSION OF CLAIMS WITH PRESENT STATUS DELINEATED

- THE CLAIMS ARE HEREIN AMENDED, CANCELLED, OR ADDED TO, SO AS TO EVENTUATE IN THE NEW SET OF PENDING CLAIMS INDICATED BELOW. THIS LISTING OF CLAIMS WILL REPLACE ALL PRIOR VERSIONS AND LISTING OF CLAIMS IN THE APPLICATION.

-- The status of each claim is indicated after the claim number by use of a parenthetical identifier selected from: (Original), (Currently amended), (Canceled), (Withdrawn), (Withdrawn – currently amended), (Previously presented), (New), and (Not entered). Claim text is provided for each claim in the listing except for the claims status “canceled” or “not entered.” Only claims having the status of “Currently amended” or “Withdrawn – currently amended” include markings to indicate changes that have been made relative to the immediate prior version of the claims. The text of any deleted matter is shown by strike-through, except that double brackets, placed before and after deleted characters of five or fewer consecutive characters, may be used. The text of any added subject matter is shown by underlining the added text. Claims that were previously canceled that are reinstated here, if any, are reinstated by adding the claim as a “(New)” claim with a new claim number.